

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 4, 2008

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wilson, Page.

Approval of Journal

March 4, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-seventh Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 3, 2008

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 352, H 360, H 387, H 390, H 419, H 420, and H 445

As Always - Idaho, "Esto Perpetua"
/s/ C. L. "Butch" Otter
Governor

Mr. Speaker:

I transmit herewith enrolled **S 1265** and **S 1267** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1265** and **S 1267** and, when so signed, ordered them returned to the Senate.

March 3, 2008

Mr. Speaker:

I return herewith enrolled **HJM 6, H 351, H 366, H 381, H 378, H 385**, as amended, **H 388, H 409, H 429**, and **H 457** which have been signed by the President.

WOOD, Secretary

Enrolled **HJM 6** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled **H 351, H 366, H 381, H 378, H 385**, as amended, **H 388, H 409, H 429**, and **H 457** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 3, 2008

Mr. Speaker:

I transmit herewith **SCR 132, S 1400**, as amended, **S 1441, S 1445, S 1424**, and **S 1443** which have passed the Senate.

WOOD, Secretary

SCR 132, S 1400, as amended, **S 1441, S 1445, S 1424**, and **S 1443** were filed for first reading.

March 3, 2008

Mr. Speaker:

I return herewith **HCR 44, HCR 46, HCR 47**, and **H 537** which have passed the Senate.

WOOD, Secretary

HCR 44, HCR 46, HCR 47, and **H 537** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 4, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 589, H 590, H 591**, and **H 592**.

CLARK, Chairman

H 591 was referred to the Health and Welfare Committee.

H 592 was referred to the Commerce and Human Resources Committee.

H 589 and **H 590** were filed for second reading.

March 3, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 38**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **HCR 38**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 3, 2008

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **HCR 48, H 566, H 548, H 553**, and **H 554** and recommend that they do pass.

NONINI, Chairman

HCR 48, H 566, H 548, H 553, and **H 554** were filed for second reading.

March 3, 2008

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 588** and recommend that it do pass.

LAKE, Chairman

H 588 was filed for second reading.

March 3, 2008

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 556, S 1253, S 1251, S 1257**, and **S 1344**, as amended, and recommend that they do pass.

BLACK, Chairman

H 556, S 1253, S 1251, S 1257, and **S 1344**, as amended, were filed for second reading.

March 3, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 587** and **S 1350** and recommend that they do pass.

CLARK, Chairman

H 587 and **S 1350** were filed for second reading.

March 3, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1356** and report it back with amendments attached to be placed on General Orders for consideration.

CLARK, Chairman

S 1356 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 132, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 593 BY EDUCATION COMMITTEE AN ACT

RELATING TO REGULATION OF PROPRIETARY SCHOOLS; AMENDING SECTION 33-107, IDAHO CODE, TO REVISE GENERAL POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-2401, IDAHO CODE, TO PROVIDE DEFINITIONS AND TO REVISE DEFINITIONS; AMENDING SECTION 33-2402, IDAHO CODE, TO REVISE REGISTRATION REQUIREMENTS OF POSTSECONDARY EDUCATIONAL INSTITUTIONS; AMENDING CHAPTER 24, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2403, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF DEGREE GRANTING PROPRIETARY SCHOOLS; AMENDING SECTION 33-2403, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE REGISTRATION REQUIREMENTS OF PROPRIETARY SCHOOLS; AMENDING SECTION 33-2404, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR AN AGENT'S CERTIFICATE OF IDENTIFICATION, TO PROVIDE REQUIREMENTS FOR THE CERTIFICATE OF IDENTIFICATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2405, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DELETE REFERENCE TO THE WORD "PROPRIETARY" AND TO REVISE THE PURCHASE STATEMENT; REPEALING SECTION 33-2406, IDAHO CODE, RELATING TO A SURETY BOND; AMENDING SECTION 33-2407, IDAHO CODE, TO REVISE REQUIREMENTS FOR AND CONDITIONS FOR RECOVERY FROM THE STUDENT TUITION RECOVERY ACCOUNT; AND AMENDING SECTION 33-2408, IDAHO CODE, TO REVISE ASSESSMENT MECHANISMS FOR THE STUDENT TUITION RECOVERY ACCOUNT.

HOUSE BILL NO. 594 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO BUDGETS OF TAXING DISTRICTS FUNDED BY PROPERTY TAXES; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION SHALL CALCULATE WHAT THE CURRENT LEVY RATE WOULD HAVE BEEN FOR EACH TAXING DISTRICT WITHOUT THE ADDITION TO THE BUDGET OF ANY AMOUNTS ASSOCIATED WITH NEW CONSTRUCTION OR CHANGE OF LAND USE CLASSIFICATION, TO PROVIDE THAT IF THIS LEVY RATE IS LESS THAN THE LEVY RATE OF THE PREVIOUS YEAR THAT WAS ACTUALLY APPLIED IN THE CURRENT YEAR, THEN THE DIFFERENCE BETWEEN THE TWO LEVY RATES SHALL BE APPLIED TO THE CURRENT MARKET VALUE SUBJECT TO TAXATION RESULTING FROM NEW CONSTRUCTION OR CHANGE OF LAND USE CLASSIFICATION, AND THE AMOUNT RESULTING SHALL BE SUBTRACTED FROM THE TAXING DISTRICT'S SUBSEQUENT YEAR'S ANNUAL BUDGET, TO PROVIDE FOR NOTIFICATION TO THE COUNTY CLERK, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 595
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 596
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE PEACE OFFICERS STANDARDS AND TRAINING ACADEMY FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

HOUSE BILL NO. 597
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

H 593, H 594, H 595, H 596, and H 597 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1400, as amended, by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

S 1441, by State Affairs Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1445, by Finance Committee, was read the first time by title and filed for second reading.

S 1424, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1443, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Education Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 550, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

S 1439, by Finance Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 4, 2008

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 541, H 481, H 543, H 363, H 488, S 1370, S 1339**, as amended, and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 541

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 25, delete "Any person who pleads guilty to or is found"; delete lines 26 through 32 and in line 33, delete "fine and imprisonment"; in line 35, delete "or section 39-6312, Idaho Code"; and in line 38, delete "fifteen (15)" and insert: "five (5)".

HOUSE AMENDMENT TO H.B. NO. 481

AMENDMENTS TO SECTION 1

On page 2 of the printed bill, delete lines 6 through 10 and insert:

"(g) Water treatment installations and repairs when installed in residential or business properties, provided the same when installed, repaired or completed, shall be inspected by a designated, qualified and properly identified agent of the division of building safety as to quality of workmanship and compliance with the applicable provisions of this chapter."; in line 11, delete "~~(h)~~" and insert: "(h)"; and in line 18, delete "~~(th)~~" and insert: "(i)".

AMENDMENT TO THE BILL

On page 2, delete lines 40 through 51.

CORRECTIONS TO TITLE

On page 1, in line 3, delete "AND TO REMOVE AN EXCEPTION TO THE CERTIFICATE OF COM-" and delete lines 4 and 5 and insert: ".".

HOUSE AMENDMENT TO H.B. NO. 543

AMENDMENTS TO SECTION 3

On page 3 of the printed bill, in line 34, following "(9)" delete the remainder of the line, delete lines 35 and 36, and in line 37, delete "(10)".

CORRECTION TO TITLE

On page 1, in line 12, following "OPERATIONS" delete the remainder of the line, and delete line 13.

HOUSE AMENDMENT TO H.B. NO. 363

AMENDMENT TO THE BILL

On page 1, following line 6, insert:

"SECTION 1. That Section 49-443, Idaho Code, be, and the same is hereby amended to read as follows:

49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- Form and contents. (1) The assessor or the department shall furnish to every owner whose vehicle is registered by that office, pursuant to sections 49-402 and 49-402A, Idaho Code, one (1) license plate for vehicles registered under the provisions of section 49-406, 49-406A or 49-408, Idaho Code, or a motorcycle, trailer, truck-tractor, or semitrailer, and two (2) license plates for every other motor vehicle. If a vehicle is issued one (1) plate only, that plate shall be displayed in accordance with the provisions of section 49-428, Idaho Code. For vehicles registered under the provisions of section 49-407, Idaho Code, the applicant shall provide one (1) plate to be displayed on the rear of the vehicle.

Commencing January 1, 1992, the color and design of the plates shall be comparable to the color and design of the statehood centennial issue of license plates with ~~blue~~ black numerals and letters on a multicolored red, white and blue background. Each license plate must bear upon its face the inscriptions "Famous Potatoes" and "Scenic Idaho."

Every license plate shall have displayed upon it the registration number assigned to the vehicle and its owner and the name "Idaho" which may be abbreviated. The plates issued under the provisions of section 49-402(1), Idaho Code, and the required letters and numerals, including an identification of the county in which the motor vehicle to which the plates will be affixed is registered, shall be of sufficient size to be plainly readable from a distance of seventy-five (75) feet during daylight, and each license plate and registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the board.

(2) License plates shall be valid for a period of seven (7) years beginning with the date of issuance of new plates, for all plates issued prior to July 1, 2008. For all new plates issued on and after July 1, 2008, license plates shall be valid for a period of ten (10) years. At the end of the ~~sixth year valid period~~, the registered owner shall receive notice of the date upon which the plates will expire. The department shall implement a plate-number reservation program ~~beginning prior to the 1999 plate issue and following once every seven (7) years thereafter, for a limited plate-number sequence in each county which chooses to offer a reservation program allowing a registered owner to retain the owner's current issued plate number.~~ Requests for license plate number reservations shall be submitted to the county, ~~during the open reservation period established by the department.~~ The department may charge a minimal fee as determined by the board to recover costs to the department for reservation of license plate numbers. The provisions of this subsection (2) shall not apply to any license plates issued pursuant to the provisions of section 49-434(4), Idaho Code.

(3) If a license plate number has expired as provided in subsection (2) of this section and the number was not reserved, or

if the vehicle registration is not renewed within sixty (60) days of its expiration, the plate number shall be available for use by another registrant. To obtain a specific number in the recycled license plate number file, the owner of a registered vehicle shall pay a one (1) time fee as determined by rule of the board.

The provisions of this subsection shall apply only to vehicles registered under the provisions of section 49-402(1), Idaho Code, and section 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

(4) License plates issued for vehicles required to be registered in accordance with the provisions of sections 49-402 and 49-402A, Idaho Code, shall be issued color coded registration validation stickers showing the year of registration. Each registration validation sticker shall bear a number from 1 through 12, which number shall correspond to the month of the calendar year in which the registration of the vehicle expires and shall be affixed to the lower right-hand corner of the plates within the outlined rectangular area.

(5) License plates for utility trailers registered under the provisions of section 49-402A, Idaho Code, which are issued for five (5) or ten (10) years and license plates for rental utility trailers registered under the provisions of section 49-434, Idaho Code, which are issued for up to five (5) years, shall use the design in effect on the date of manufacture. If a design change occurs, plates from the effective date of the design change shall be manufactured using the new design. Unexpired plates need not be reissued to conform to a design change.

(6) For license plates which are lost, stolen, mutilated, or illegible, the owner shall apply for a duplicate or substitute. The assessor shall also furnish for each registration, and to validate the license plate, a pressure-sensitive, uniquely-numbered registration sticker, except for trailers and semitrailers registered under the nonexpiring provisions in section 49-434, Idaho Code. License plates issued for state, county and city motor vehicles shall be permanent and remain on the vehicle for which issued from year to year, and need no renewal or validation sticker.

(7) Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department or appropriate assessor's office, the registration use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars (\$5.00), which fee shall be retained by the registering authority. None of the original fees shall be subject to refund.

(8) The department shall furnish to every owner whose vehicle is registered under sections 49-434 and 49-435, Idaho Code, a pressure-sensitive, uniquely-numbered registration sticker to validate the license plate, provided however, the provisions of this subsection (8) shall not apply to trailers and semitrailers registered under the provisions of section 49-434(4), Idaho Code.

(9) The board shall have authority to require the return to the department of all license plates and registration stickers upon termination of the lawful use of them by the owner.

(10) The board may promulgate such rules as are necessary to implement the provisions of this section."; and renumber the subsequent section accordingly.

CORRECTION TO TITLE

On page 1, in line 2, following "FEES;" insert: "AMENDING SECTION 49-443, IDAHO CODE, TO REFERENCE THE CORRECT COLOR OF NUMERALS AND LETTERS ON LICENSE PLATES, TO PROVIDE THAT LICENSE PLATES ISSUED AFTER JULY 1, 2008, SHALL BE VALID FOR A

PERIOD OF TEN YEARS, TO PROVIDE FOR A STATEWIDE PLATE-NUMBER RESERVATION PROGRAM AND TO DELETE OBSOLETE LANGUAGE; AND".

HOUSE AMENDMENT TO H.B. NO. 488

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 35 through 38; in line 39, delete "(4)" and insert: "(3)"; in line 41, delete "(5)" and insert: "(4)".

On page 2, in line 2, delete "(6)" and insert: "(5)"; in line 3, delete "(7)" and insert: "(6)"; in line 5, delete "(8)" and insert: "(7)"; in line 7, delete "(9)" and insert: "(8)"; in line 9, delete "(10)" and insert: "(9)"; in line 10, delete "chapter." and insert: "chapter, and shall be designated L.D.E.M."; following line 10, insert:

"(10) 'Low risk' means a labor and delivery and postpartum, newborn and interconceptual care that does not include:

- (a) A condition that requires a mandatory transfer;
- (b) Deep vein thrombosis or pulmonary embolus;
- (c) Multiple gestation; or
- (d) Any other condition that may present an unreasonable risk of harm to a pregnant woman or unborn child as determined by administrative rule.

(11) "Midwifery education accreditation council" or "MEAC," means the midwifery education accreditation council established in 1991 and recognized by the United States department of education as an accrediting agency for midwifery education programs and institutions."; in line 11, delete "(11)" and insert: "(12)"; in line 16, delete "(12)" and insert: "(13)"; following line 21, insert:

"(14) 'Natural' means not pharmacologically induced."; in line 22, delete "(13)" and insert: "(15)"; in line 27, delete "(14)" and insert: "(16)"; in line 28, following "during" insert: "natural low risk"; in line 30, following "standards" insert: "and NACPM essential documents"; in line 44, following "hemorrhage" insert: "with one (1) dose of intramuscular oxytocin after the delivery of the placenta to minimize blood loss, and an additional single dose of oxytocin if a hemorrhage occurs, in which case the direct entry midwife must initiate transfer if the woman's condition does not immediately improve"; in line 46, following "anesthetics" insert: "as provided in subsection (16)(k) of this section"; in line 49, following "Intravenous" insert: "saline"; and also in line 49, delete "client," and insert: "woman; and"; delete lines 50 and 51, and in line 52, delete "(ix)" and insert: "(viii)".

On page 3, delete lines 26 through 28, and insert:

"54-1303. LICENSED PRACTICE. (1) Any person licensed under this chapter shall be entitled to engage in the practice of licensed direct entry midwifery.

(2) A licensed direct entry midwife shall consult with a physician licensed under chapter 18, title 54, Idaho Code, in the instance of:

- (a) Miscarriage after fourteen (14) weeks;
 - (b) Failure to deliver by forty-two (42) weeks of gestation;
 - (c) A baby in the breech position at any time after thirty-six (36) weeks of gestation;
 - (d) A prior cesarean section; or
 - (e) Any other condition or symptom that may place the health of the pregnant woman or unborn child at unreasonable risk as defined by administrative rule.
- (3) A licensed direct entry midwife shall transfer care before

the onset of labor to a physician licensed under chapter 18, title 54, Idaho Code, or to a hospital upon evidence of:

- (a) Placenta previa after twenty-seven (27) weeks and prior to twenty-seven (27) weeks if there is any spotting or bleeding;
 - (b) A threatened miscarriage;
 - (c) No onset of labor before forty-three (43) weeks of gestation; or
 - (d) Any other condition that could place the life or long-term health of the pregnant woman or unborn child at risk as defined by administrative rule.
- (4) A licensed direct entry midwife shall transfer care during labor to a physician licensed under chapter 18, title 54, Idaho Code, or to a hospital upon evidence of:
- (a) Any condition listed in subsection (2)(c) of this section;
 - (b) Persistent breech at term;
 - (c) Inappropriate fetal presentation as determined by the licensed direct entry midwife;
 - (d) Nonreassuring fetal heart pattern indicative of fetal distress that does not immediately respond to treatment by the licensed direct entry midwife;
 - (e) Particulate, moderate or thick, meconium unless delivery is imminent;
 - (f) Any other condition that could place the life or long-term health of the pregnant woman or unborn child at significant risk if not acted upon immediately as defined by administrative rule; or
 - (g) Failure to deliver after three (3) hours of pushing unless delivery is imminent.

(5) A licensed direct entry midwife shall transfer care to a physician licensed under chapter 18, title 54, Idaho Code, or to a hospital upon evidence of any condition that could place the life or long-term health of the woman at significant risk if not acted upon immediately or as may be further defined by administrative rule.

(6) A licensed direct entry midwife shall transfer care to a physician licensed under chapter 18, title 54, Idaho Code, or to a hospital upon evidence of any condition that could place the life or health of a newborn at risk as determined or as may be further defined by administrative rule."

On page 4, in line 30, delete "In", delete line 31, and in line 32, delete "tion, the" and insert: "The"; and delete lines 34 through 51.

On page 5, in line 46, following "approved" insert: "NARM, university or MEAC accredited".

On page 6, in line 13, following "chapter" insert: ", including the use of the L.D.E.M. designation".

On page 7, following line 31, insert:

"54-1317. PARENTAL RIGHTS. Nothing in this chapter shall abridge, limit or otherwise modify the rights of parents to choose the manner of delivery for their baby."

CORRECTION TO TITLE

On page 1, in line 4, delete "THAT PARENTAL RIGHTS REGARDING DELIV-"; and in line 5, delete "ERY METHODS ARE NOT MODIFIED" and insert: "LICENSED PRACTICE"; and delete line 14, and insert: "DURE, TO PROVIDE ENFORCEMENT PENALTIES AND TO PROVIDE THAT PARENTAL RIGHTS REGARDING DELIVERY METHODS ARE NOT MODIFIED; AMENDING SECTION 67-2601, IDAHO".

HOUSE AMENDMENT TO S.B. NO. 1370**AMENDMENT TO SECTION 1**

On page 1 of the printed bill, in line 31, delete "genitals, pubic areas or buttocks" and insert: "genitals or pubic areas".

HOUSE AMENDMENT TO S.B. NO. 1339, AS AMENDED**AMENDMENTS TO SECTION 1**

On page 1 of the engrossed bill, in line 11, delete "1275" and insert: "1349"; and delete lines 14 through 43; and on page 2, delete lines 1 through 18 and insert:

"18-5702. GRADING AND PUNISHMENT FOR MISUSE OF FUNDS. (1) Any public employee who is not charged with the receipt, safekeeping or disbursement of public moneys and who misuses public moneys in violation of section 18-5701, Idaho Code, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one (1) year, or by both, if the amount of public moneys misused is less than three hundred dollars (\$300).

(2) Any public officer or public employee charged with the receipt, safekeeping or disbursement of public moneys, who misuses public moneys in violation of section 18-5701, Idaho Code, is guilty of a felony punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for not more than five (5) years, or by both, if the amount of public moneys misused is less than three hundred dollars (\$300).

(3) Except as otherwise provided in subsections (1) and (2) of this section, any public officer or public employee who misuses public moneys in violation of section 18-5701, Idaho Code, is guilty of a felony punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years, or by both.

(4) (a) When any series of violations of section 18-5701, Idaho Code, comprised of separate incidents of misuse of public moneys in amounts less than three hundred dollars (\$300) are part of a common scheme or plan, the incidents may be aggregated in one (1) count and the sum of the value of all of the incidents shall be the value considered in determining whether the amount exceeds three hundred dollars (\$300).

(b) Any public officer or public employee who pleads guilty to or is found guilty of a violation of section 18-5701, Idaho Code, more than one (1) time, irrespective of the form of the judgment(s) or withheld judgment(s), and who would otherwise be subject to a lesser punishment under subsection (1) or (2) of this section is guilty of a felony punishable as provided in subsection (3) of this section.

(5) In addition to any penalty imposed in this section, any public officer or public employee who pleads guilty to or is found guilty of a violation of section 18-5701, Idaho Code, irrespective of the form of the judgment(s) or withheld judgment(s) shall:

(a) Be terminated for cause from the public office or employment subject to any procedures applicable to such termination; and

(b) Make restitution of any public moneys misused, and any profits made therefrom, as ordered by the court; and

(c) Notwithstanding section 18-310, Idaho Code, and except as otherwise provided by law, be disqualified from holding

any position as a public officer or public employee if such position is charged with the receipt, safekeeping or disbursement of public moneys; and

(d) In the discretion of the court, and unless otherwise prohibited by law, be ordered to apply for distribution of any retirement moneys held by any entity on behalf of the person, in order that such moneys shall be used to make restitution to the public entity or its insurer, unless other funds are otherwise available."

CORRECTION TO TITLE

On page 1, in line 3, delete "1275" and insert: "1349".

We have also had under consideration **S 1356**, report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Moyle.

Whereupon the Speaker declared the report adopted.

H 541, as amended, **H 481**, as amended, **H 543**, as amended, **H 363**, as amended, and **H 488**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

S 1370, as amended in the House, and **S 1339**, as amended, as amended in the House, were filed for first reading.

S 1356 was retained on General Orders.

The amendments were referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, March 5, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 3:03 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk